

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED

AUG - 7 2024

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

NELSON WILLIS
Plaintiff

v.

ADAM M. ARON
Defendant

Case No.: 4:23-cv-732-ALM-KPJ

August 7, 2024

PLAINTIFF'S MOTION TO STRIKE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

I. Introduction

Plaintiff Nelson Willis, Pro Se, respectfully moves this Court to strike Magistrate Judge Kimberly C. Priest Johnson's Report and Recommendation (Document No. 88) on the grounds of procedural misconduct, fraudulent behavior, bias, and the unresolved status of prior motions and complaints against the Magistrate Judge.

II. Grounds for Motion to Strike

1. Unresolved Motions and Complaints:

- Plaintiff has previously filed a motion to remove Magistrate Judge Kimberly C. Priest Johnson and a judiciary complaint regarding her conduct. These filings have not been addressed or resolved. It is highly irregular and procedurally improper for the Magistrate Judge to issue further rulings while these serious allegations remain pending .

2. Procedural Misconduct:

- The Report and Recommendation fails to properly consider the evidence and arguments presented in Plaintiff's Motion for Summary Judgment and the supporting supplemental filings. The Magistrate Judge's decision to recommend dismissal based on erroneous grounds constitutes procedural misconduct .

3. Fraudulent Behavior:

- The Magistrate Judge's Report and Recommendation repeatedly asserts that the lower court case was nonsuited, despite clear evidence presented by the Plaintiff indicating that the case is active and open. This misrepresentation of the case status demonstrates fraudulent behavior aimed at misleading the Court .

4. Bias and Prejudice:

- The timing of the Magistrate Judge's Report and Recommendation, issued immediately after Plaintiff's filing of the Motion for Summary Judgment, suggests bias and prejudice against the Plaintiff. The Magistrate Judge's actions indicate a predisposition to rule in favor of the Defendant without properly considering the Plaintiff's evidence .

III. Supporting Evidence

1. Exhibit A: Plaintiff's Motion for Summary Judgment (Document No. 80) and supporting supplemental filings.
2. Exhibit B: Evidence of the active status of the lower court case in the 235th District Court of Cooke County, including subpoena service on John Merriwether, Vice President of Investor Relations at AMC.
3. Exhibit C: Copy of the motion to remove Magistrate Judge Kimberly C. Priest Johnson.
4. Exhibit D: Copy of the judiciary complaint filed against Magistrate Judge Kimberly C. Priest Johnson.

IV. Relief Requested

Plaintiff respectfully requests that this Court:

1. Strike the Magistrate Judge's Report and Recommendation (Document No. 88).
2. Address the unresolved motion to remove Magistrate Judge Kimberly C. Priest Johnson.
3. Address the unresolved judiciary complaint regarding Magistrate Judge Kimberly C. Priest Johnson's conduct.
4. Grant Plaintiff's Motion for Summary Judgment and the relief requested therein.

V. Conclusion

The Magistrate Judge's Report and Recommendation is fraught with procedural misconduct, fraudulent behavior, and bias against the Plaintiff. Striking the Report and Recommendation from the record is essential to ensure a fair and impartial adjudication of this case. The Plaintiff respectfully requests that the Court grant the relief requested.

DATE: August 7, 2024

Respectfully submitted,



Nelson Willis
Plaintiff Pro Se

Certificate of Service

I hereby certify that a true and correct copy of the foregoing document has been served on all CORRUPT AND UNETHICAL counsel of record via the court's electronic notification system on this 7th day of August 2024.



Nelson Willis
Plaintiff Pro Se